

Alexa, Are You Listening? Developments & Challenges in Data Privacy Law

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AGENDA

9:00 a.m. – 9:30 a.m. Registration & Breakfast

9:30 a.m. – 9:40 a.m. Opening Remarks

**9:40 a.m. – 10:55 a.m. How Far Should the Long Arm of the Law Reach?
Lessons from the Microsoft Ireland Case**

The Second Circuit has held that when a U.S. citizen commits a crime in the United States, a U.S. warrant supported by probable cause reaches stored communications, such as emails, only if the data is physically stored in the United States. This panel will discuss the case that led to this decision and the potential ramifications of the holding. How significant of a change is it? What are the interests on both sides of the issue, and does this ruling appropriately balance those interests? If not, what are possible solutions?

- **Moderator:** Michael W. Carroll – Professor of Law; Director, Program on Information Justice and Intellectual Property; American University Washington College of Law
- Jennifer Daskal – Associate Professor of Law, American University Washington College of Law
- Ross Schulman (JD '10) – Senior Policy Counsel and Co-Director, Cybersecurity Initiative, New America's Open Technology Institute
- Eric Wenger – Director, Cybersecurity and Privacy Policy, Global Government Affairs, Cisco

11:00 a.m. – 12:15 p.m. An Ocean Apart: Can the Privacy Shield Bridge the Gap Between the E.U. and U.S. Privacy Regimes?

This panel will discuss the differences in the European and U.S. approaches to privacy and explore current issues surrounding the latest attempt to bridge the gap between the two, the Privacy Shield. How and why are the E.U. and U.S. approaches to privacy different? Are U.S. companies using the privacy shield or adopting other measures for cross-border data? Is the Shield likely to withstand legal scrutiny at the ECJ? What impact will the new administration and recent Internet privacy legislation have on the Shield's success?

- **Moderator:** Kirk Nahra – Partner and Chair, Privacy & Cybersecurity Practice, Wiley Rein
- Justin Antonipillai (JD '97) – Former Counselor to the Secretary, Delegated Duties of Under Secretary for Economic Affairs, U.S. Department of Commerce; Co-Lead, U.S. Negotiating Team for E.U.-U.S. Privacy Shield
- Melissa Maalouf (JD '07; *AULR* Vols. 55–56) – Counsel, ZwillGen
- Bijan Madhani (JD '13) – Senior Policy Counsel, Computer & Communications Industry Association

12:15 p.m. – 1:00 p.m. Lunch Networking

1:00 p.m. – 2:15 p.m. “Alexa, What Are the Latest Privacy Concerns of the IoT?”

The Internet of Things (IoT) surrounds us, watches us, listens to us—and we often do not even realize that it is there. The connected home and other IoT conveniences can make our lives much easier, but they also present unique and often unforeseen challenges. Are manufacturers adequately incorporating security in their IoT devices? What do recent enforcement trends tell us about a traditional privacy framework’s ability to deal with novel IoT issues? How should savvy consumers balance the IoT convenience with privacy?

- **Moderator:** Hillary Brill – Practitioner-in-Residence, Glushko-Samuelson Intellectual Property Clinic, American University Washington College of Law
- Scott Jones – Associate, Latham & Watkins
- Abigail Slater – General Counsel, Internet Association
- Ari Waldman – Associate Professor and Director of the Innovation Center for Law and Technology, New York Law School

2:20 p.m. – 3:35 p.m. The Next Frontier

Looking beyond the hot privacy topics of today, the rapid development of new technology—and the corresponding collection, storage, and analysis of massive amounts of consumer data—will soon push our privacy concerns into entirely new dimensions. What is the next frontier for data privacy law, and are we ready for it? What concerns and opportunities do big data and predictive analytics present? How will our policymakers and enforcement frameworks need to adapt to address these changes?

- **Moderator:** Carolyn Nguyen – Director, Technology Policy & Strategy, Microsoft Corporation
- Joseph Jerome – Policy Counsel, Privacy & Data, Center for Democracy & Technology
- Molly Crawford (JD ‘02; *AULR* Vols. 50–51) – Chief of Staff, Division of Privacy and Identity Protection, Bureau of Consumer Protection, Federal Trade Commission
- Michele Gilman – Venable Professor of Law; Director, Clinical Legal Education, University of Baltimore School of Law
- Mary Madden – Researcher, Data & Society Research Institute; Affiliate, Berkman Center for Internet & Society at Harvard University

3:35 p.m. – 4:30 p.m. Networking Reception

Interested in attending? Registration is free but required. Please go to

www.wcl.american.edu/secle/registration.

5 CLE Credits will be applied for – CLE registration is \$275

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